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UNMARKED GRAVES IN ARGENTINA: FURTHER DEVELOPMENTS.

At the end of October 1982 the Argentine press reported the discovery of 88 unmarked graves in the Grand Bourg cemetery in Buenos Aires. Each grave reportedly contained five or more bodies in cardboard coffins and it is estimated that as many as four hundred bodies may have been buried in unmarked graves in a sector of the cemetery. Witnesses living nearby have stated that between 1976 and 1979 bodies were brought to the cemetery, frequently at night, in vehicles belonging to the security forces.

The existence of unmarked graves was first given publicity in the Report of the Inter-American Commission of Human Rights (IACHR) of the Organization of American States (OAS) published in April 1980 following a visit to Argentina by its delegation in September 1979. In its report the IACHR stated:

'The Commission has received information about a considerable number of corpses buried under the designation "NN" in public cemeteries without explanation for the lack of identification. During the visit to La Plata, the Commission inspected the cemetery where it saw a number of unmarked graves with only the letters "NN". Some of them had characteristics which indicated they contained newly born children or infants. According to information and testimonies received, members of the Armed Forces entered La Plata cemetery at night and personally buried the corpses. In its examination of the corpses .. the Commission found that most of the nameless bodies were those of people between 20 and 30 years of age and that in all cases a physician participated in preparing the death certificates... It was verified that in many cases, the diagnosis of the cause of death was the result of "destruction of the brain caused by a firearm projectile". According to the information provided by the Government, an undetermined number of "disappeared" persons died in confrontations. According to denunciations received, in a large percentage of cases, people who died in these confrontations were buried in common graves, without the issue of official death certificates.

In its interviews with governmental authorities, the Commission requested information on this subject given that when deaths occur in confrontations between groups classified by the government as subversive, and state forces, a detailed report ought to be prepared providing the place, time and circumstances of the hostilities and other information about the identity and number of people killed.

The Minister of the Interior stated that in such cases, a judge participated in the burial of the body and, whether identified or not, an official record is made and each magistrates court has a record of all cases of this type.... According to information available, there are approximately 1554 unidentified dead, that is, those designated as "NN" (1)

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The Commission has not received a reply to its request for the number and names of people who had died in confrontations.'

An investigation of the La Plata cemetery records is now in progress by Judge Jorge Cangelossi. Recently there have been allegations that a number of the bodies buried in unmarked graves have been removed from the cemetery for cremation.

Investigations which opened in November 1982 into the graves in La Plata cemetery have revealed that 295 people were buried in unmarked graves before 1979. The cemetery's administrator has stated that there were no further burials of this kind after 1979. Death certificates had been issued in 48 of these cases. The information released regarding the unmarked graves in La Plata is conflicting. The cemetery's administrator, who took office in 1981, stated that none of the unidentified corpses had been removed to osarios comunes (common charnel houses) since the bodies would not have disintegrated within the five to six years since their burial. However, staff at the cemetery have not discounted the possibility and have referred to the fact that legal provision exists for the transfer of unidentified bodies not claimed by relatives. Cemetery officials have stated that the unidentified bodies were those of people who died in charitable institutions. While this may be true in some cases, in others it seems unlikely, given the reports that many of the victims were aged between 20 and 30 years and that death was caused by a "firearm projectile".

Although the existence of unmarked graves has been known for some years, action on this question was not possible until recently. Moreover, notices had appeared in several of the cemeteries where there were unmarked graves announcing that the bodies would be removed unless claimed by relatives. The limited number of families who had been informed of their relative's burial in unmarked graves then felt compelled to denounce the issue.

The case of Miguel Angel Sosa, ⁽¹⁾ who was reportedly abducted on 25 May 1976 provided one of the first links between those who have 'disappeared' and the unidentified bodies in the Grand Bourg cemetery. In February 1981 the Ministry of the Interior informed the Sosa family that their son had been buried in the Grand Bourg cemetery in unmarked grave number one. According to the government notification, Miguel Angel Sosa had been killed two days after his abduction.

A lawyer from the Centro de Estudios Legales y Sociales (CELS) ⁽²⁾ Dr. Emilio Mignone who had been acting for the family since Miguel Angel's "disappearance" with the victim's brother, also a lawyer, examined the official files on the case, which contained an autopsy report. The autopsy revealed that Miguel Angel Sosa had been tortured prior to his death and that he had been shot in the head at close range. Furthermore, the file contained a letter notifying the family of their son's death which had apparently been sent to the wrong address and had therefore been returned to the court dealing with the case. Despite the fact that the family address had been correctly recorded in the files no further attempt was made to forward the letter.

The family took a number of legal steps to secure the identification of the body. An exhumation was carried out at the end of 1981 when it was discovered that

(1) See also: Campaign Against Political Killings by Governments (ACT 03/18/82)

(2) CELS - Centre for Legal and Social Studies, a local human rights group.

In November 1982 relatives denounced the existence of unmarked graves in a sector of Morón cemetery, Buenos Aires Province. The sector is already known to contain the bodies of two people who were abducted and subsequently registered as 'disappeared'. Miguel Angel Andres Del Valle and his wife, Mónica Marta Pites de Del Valle were abducted on 12 May 1976. There was no further news of their whereabouts until La Razón newspaper published reports on 19 June 1976 indicating that the bodies had been found. Their parents later made a positive identification of the bodies which were taken to the morgue at the Surgical Institute (Instituto de Cirugía) in Haedo, Buenos Aires Province. In spite of this the two bodies were later buried in unmarked graves in Morón cemetery. Miguel Andres Del Valle was buried in grave 15 plot 308 and his wife in grave 14 plot 308.

Judge Bernardo Fissore has reportedly summoned for questioning a number of individuals in connection with the existence of unmarked graves in cemeteries in the towns of Necochea and Mar del Plata, Buenos Aires Province. The total number of unidentified bodies in these cemeteries is unknown at present although estimates refer to 300 (Necochea) and 50 (Parque cemetery, Mar del Plata). Among those known to be buried in the Parque cemetery is Rosa Ana Frigerio whose case is described below.

ROSA ANA FRIGERIO (Case Number 3358 of the Organization of American States)

Extract from the Report of the Inter-American Commission of Human Rights of the O.A.S. April 1980 quoted in AMR 13/27/80/E - Summary of the Report by Amnesty International.

"Rosa Ana Frigerio, a 20 year old student of agronomy at the National University of Mar del Plata, was arrested on 25 August 1976 at her parents' home in Mar del Plata, Buenos Aires Province. - At the time of her arrest Rosa Ana was wearing a plaster cast from her waist to below the knee following an operation on her spine. Such was her condition on the day, that she was taken from her house and driven in an ambulance to the Naval Base in Mar del Plata. Her parents were initially informed that she was being held at the Naval Base.

In late 1976 her parents were informed that she was not at the base. After they had filed a habeas corpus petition in February 1977 they received a letter from the Base Commander explaining that Rosa Ana was being held 'at the disposal of the Executive' for her involvement in subversive activities.

On 31 March 1977 her parents received a summons from the navy. They were received by a naval commander who told them that Rosa Ana had been killed in an armed confrontation on 8 March 1977 and that her body had been buried in the Parque cemetery in Mar del Plata. The death certificate obtained from the Civil Registry stated that Rosa Ana died from 'cardiac arrest, cardiothoracic traumatism'. Rosa Ana's parents have tried to obtain the exhumation of the body in order to verify the case of death. So far they have been unsuccessful".

Argentine press reports in November 1982 indicated that doctors have refused to perform an autopsy on the body and that an exhumation order, signed by a Mar del Plata judge, Dr. Francisco Varela, in 1979 has not been carried out. Rosa Frigerio had been buried in unmarked grave number 1133 temporary burial sector B. A notice had recently appeared in the cemetery indicating that all the bodies buried in unmarked graves in the cemetery would be removed and reburied elsewhere.

Judge Fissore visited both the Necochea and Parque cemeteries and has examined the temporary graves which are identified by numbers and contain cardboard coffins. The number of graves has reportedly diminished in recent years and it is presumed that some bodies have been transferred to other locations or to other parts of the cemeteries. The records have been impounded and statements have been taken from officials in both cemeteries.

Unmarked graves containing 188 unidentified bodies have been located in the San Justo cemetery. The bodies were reportedly brought to the cemetery at night during 1977. They were wrapped in blankets or inside rickety coffins. Among those reportedly buried in the San Justo cemetery are:

(1) Laura Estela Carlotto

Laura Estela Carlotto was reportedly abducted on 26 November 1977 when she was 2½ months pregnant. On 25 August 1978 her parents received instructions from the 9th Comisaría (police station) in La Plata requesting them to report to the Subcomisaría in Isidro Casanova, La Matanza district. There they were informed that their daughter had died in a road block (operativo de control de automóviles) set up on 25 August on the ruta nacional number 3 (national road number 3). Her body had been taken to a funeral parlour in Lomas de Zamora and a plot of land for her burial in the San Justo cemetery had been allocated on the orders of the Head of the Air Force Operational Sector 114. The death certificate gave the cause of Laura Carlotto's death as 'multiple firearm wounds'.

Unofficial reports have indicated that Laura Estela Carlotto was held in secret detention in the La Plata area where she gave birth to a son, Guido, in June 1978. The child's whereabouts are unknown.

(2) Carlos Luis Lahitte

Carlos Luis Lahitte, a 29 year old manual worker 'disappeared' in Buenos Aires on 2 March 1978. A petition for habeas corpus was presented to Criminal Court Number 4 in Buenos Aires, Judge Giletta. A response was received stating that Carlos Luis Lahitte had died on 25 August 1978 - the same date as Laura Carlotto in the Isidro Casanova district. The corpse had been identified following examination by the Regional Medical Team Number 1 in Isidro Casanova.

On 20 December 1982 Judge Pierini who is in charge of the investigation into unmarked graves in La Chacarita cemetery made public the names of 76 persons buried there. In 53 cases the families had been notified of the death of their relative; some families indicated that they had been forced to sign death certificates. All the deaths were said by the authorities to have occurred in confrontations with the security forces; a number of the victims had reportedly been shot at close range. Nine of the individuals named had been registered as 'disappeared' by human rights organizations. It is estimated that the total number of individuals buried in unmarked graves in La Chacarita cemetery may be 600.

The Argentine press has reported that autopsies were performed on the bodies prior to burial and that the police fingerprints department also intervened. In a number of cases, the identity of the victim had been established but families were not informed and the body was buried in an unmarked grave. In some cases autopsies were performed, death certificates issued and burials ordered without the intervention of a magistrate. Such procedures violate legal regulations.

A denuncia prepared by human rights lawyers referred in particular to the case of Norberto Gómez, a 27 year old doctor who was abducted from his home in Buenos Aires in November 1976. In December 1976 he managed to send word to his family that he was alive and being held in the Escuela Mecánica de la Armada (ESMA - Navy Mechanics School) in Buenos Aires. In October/November 1982 the family learned that in March 1977 his body had been taken to the judicial morgue and that a senior army officer had ordered his burial, along with three other individuals whose bodies had been transferred to the morgue at the same time. All four victims were subsequently buried in an unmarked grave in La Chacarita cemetery.

This information came to light after the Gomez family received a police notice in October 1982 requesting their signature to their son's death certificate. This was the first information the family had received on their son's whereabouts since his abduction in November 1976, although they had presented habeas corpus petitions on his behalf. The case had provisionally been closed in 1980 for lack of information.

After receiving the police notification the family visited the office of the judge to whom they had presented the petition of habeas corpus to examine the files and inquire into the status of the investigation. The files revealed that the judge had established Norberto Gómez's death and that records on his case existed at La Chacarita cemetery and at the judicial morgue. The judge had decided not to inform the family 'for humanitarian reasons'.

Further documents obtained from police records revealed that three other bodies had been brought to the morgue by the army with Norberto Gómez's. Two were male and the third female: Lucia Kalaidian. The military report stated that the three individuals had died in a confrontation with the military and that the group in charge of the action was 'GT3.3.4'. This is known to be a Naval Intelligence Unit which operated during this period from the ESMA. An autopsy report referred to 'signs of torture' and gave the cause of death as injuries to the head cause by a bullet fired at close range.

After the visit to the court, other information came to light, including xeroxed copies of military orders authorizing the autopsy and burial in unmarked graves of the four bodies, without a judicial investigation. By law a judge is required to carry out an investigation whenever the cause of death is violent. Forms signed by two members of the Criminal Appeals Court approving the military orders also came to light.

CELS lawyers initiated a separate action on 11 November into the irregularities at the judicial morgue. On that date four parents of 'disappeared' persons including the father of Norberto Gómez, presented a complaint before Judge Raul Hector Pierini, requesting that certain members of the judiciary, administrators of the morgue and medical staff be called to testify.

On 10 February 1983 CELS made a second presentation, regarding the judicial morgue before the Court of Appeals. In the presentation CELS referred to irregularities on the part of the judiciary in the burials and their failure to carry out investigations required by law into cases of violent deaths. CELS argued that the Court of Appeals was incompetent to hear the case since as the court responsible for the judicial morgue, it stands accused of complicity in the burials. It is understood that the case may go before the Supreme Court. The Supreme Court has apparently indicated that it will resume responsibility for the functioning of the judicial morgue, a task which it had delegated to the Court of Appeals.

Investigations are also being carried out into unmarked graves in cemeteries in Claypole, Luján, Magdalena, Córdoba and Lomas de Zamora. In Claypole relatives have denounced the existence of unmarked graves stating that in 1976 bodies had been brought to the cemetery for burial. A denuncia regarding the unmarked graves in Luján stated that among those buried at the end of 1976 were two men and two women: one of the women was several months pregnant. The denuncia requested that a military officer and various employees at the cemetery be called to give evidence.

In a press conference on 6 November 1982 the Asamblea Permanente por los Derechos Humanos (APDH - Permanent Assembly for Human Rights) announced that it had called for an investigation into unmarked graves in La Magdalena cemetery. According to information received, the body of a young man aged between 20 and 30 years whose body had been mutilated by explosives had been taken to the Magdalena cemetery morgue on 21 February 1977.

Elena Raquel Corbin, the mother of Daniel Oscar Barjacoba has presented a denuncia to the Federal Court No 3 in Córdoba calling for information on the location of her son's remains. Daniel Oscar, aged 23, 'disappeared' in San Nicolas, Buenos Aires Province on 2 October 1976, after being detained by a group of armed persons in civilian clothes. According to information received from Federal Court No 2 in Rosario, Santa Fé, Daniel Barjacoba had been buried in a common grave in San Vicente cemetery. The Rosario court had revealed that his body, with six others, had been found in the Los Surgentes area, Marcos Suárez in Córdoba province on 18 October 1976. At first, identification had not been possible and, under instructions from the III Army Corps (Córdoba) the bodies had been transferred to the morgue of the San Roque hospital. Since they were not reclaimed by relatives, the Army had ordered that they be buried in San Vicente cemetery. Elena Corbin had subsequently ascertained that her son had been buried under number 1040. However, officials at the cemetery have denied that the body in this grave is that of her son.

Daniel Oscar Barjacoba was married and was a student of anthropology. He also worked in a cold storage factory.

The unidentified bodies in San Vicente are located near the crematorium. It is alleged that they were brought to the cemetery in military vehicles for burial (in presence of municipal personnel) between 1976 and 1978.

A separate denuncia regarding San Vicente referred to the case of Eduardo Jose Valverde, a lawyer and politician. Sr. Valverde, accompanied by two lawyers, had presented himself to an Air Force post on 24 March 1976, the day of the military coup, after learning that an order for his arrest had been issued. There had been no further news of his whereabouts since that date and the authorities denied his detention. Also said to have been buried in the cemetery are: Ana Catalina Abad, a 25 year old student and office worker who was abducted with her husband in the street on 15 August 1976 in Córdoba; Jorge Raul Nadra, a 19 year old student of medicine abducted by armed men on 2/3 July 1976 in Córdoba and Néstor Lellín, a mechanic who was abducted at the Fiat plant in Córdoba on 6 September 1976.

There are understood to be 100 and 140 unmarked graves in Lomas de Zamora cemetery. An examination of the cemetery files has revealed that at least seventy people were recorded as having died in confrontations with the security forces.

Although the investigations are still in progress, concern has been expressed at the failure of the courts to make public the information obtained so far or even to give it to relatives of the victims. Furthermore there has been criticism of the limited scope of the investigations which, to date, have concentrated on determining the functions and responsibilities of the municipal employees and cemetery staff. Although the investigations indicate that in the majority of cases the victims died in 'confrontations with the military', further information about the nature, circumstances and those responsible has not been provided. Nor do individual judges appear to have taken steps to investigate the irregularities in the burial procedures of the allegations of torture contained in the reports.

Lawyers acting in these cases are hampered by the fact that the investigations are now in the secreto de sumario (secret summing up) stage which denies them access to the files and the evidence compiled by the courts. Their request to act as plaintiffs in the cases, which would permit them to formulate their own petitions, present evidence or appeal against rulings, has been rejected.

Since some corpses were reportedly buried without the intervention of the judiciary (in violation of legal procedures) and often the bodies did not pass through the morgue, it seems possible that the identities of many victims may not be recorded in either police or judicial files. Press articles have referred extensively to the fact that between 1976 and 1979 bodies were brought to the cemeteries in military vehicles and human rights groups in Argentina have argued that the identities of the victims must have been recorded by the security forces. They have called on the judiciary to seek this information from the Executive and the Armed Forces.

On 28 April 1983, a spokesman for the Argentine junta, in a broadcast to the nation, stated that "all the 'disappeared' should now been considered dead for judicial and administrative reasons". It is not as yet clear what implications the government's statement may have on the investigations into unmarked graves, in particular where they refer to those listed as 'disappeared'.

In a communication to the Argentine President, General Reynaldo Bignone, on 11 May 1983 Amnesty International expressed dismay that the government's statement "neither dispels the anguish and uncertainty of the families, not satisfies the legitimate concern of the international community about these cases". AI further stated that it "could not regard as final a statement which evades the fundamental issues:

- if the 'disappeared' are dead, how, why and on whose authority they were killed.
- why were so many of the families never informed of the death and in some instances, burial of their 'disappeared' relative.
- why are those deemed responsible for these deaths not being brought to trial".

Finally, in the communication, AI called on the Argentine government to give a full public accounting of all the thousands of people who have 'disappeared' in the country after arrest and to refrain from adopting measures which could impede investigations into these 'disappearances'.